Government Wireless Technology & Communications Association
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April 11, 2025

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
45 L Street, N.E.
Washington, D.C. 20554

Re: GN Docket No. 25-133

Dear Ms. Dortch:

The Government Wireless Technology & Communications Association ("GWTCA") submits the following Comments in response to the Public Notice issued by the Commission on March 12, 2025,[1] wherein the Commission has requested guidance as to rules which serve to inhibit development and can be eliminated as unnecessary.

The Government Wireless Technology & Communications Association ("GWTCA") is a non-profit trade association created to advocate on behalf of government and non-government users of wireless technology and communications in the public service industries, such as public transit and public safety. GWTCA's membership includes government agencies (including municipal Departments of Transportation), manufacturers, providers of third-party communications, facilities owners, engineers and consultants working on a variety of issues impacting represented users.[2]

As a constituent member of the National Wireless Communications Council ("NWCC"), GWTCA fully supports NWCC's Comments in this proceeding. In addition, GWTCA recommends review and deletion of the following Part 90 Commission Rules which are no longer relevant for a variety of reasons. In each case, the cited Rules were created in the 20th Century, before creation of the internet and in some cases before the Commission published all Part 90 decisions in the Daily Digest. These Rules create confusion for applicants, licensees, and even Commission personnel[3] in determining applicability and need to comply.

**Section 90.173(k)** – Finder's Preference Rules

The Part Commission's 90 Finder's Preference Program was eliminated in 1998.[4]

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[1] *Delete, Delete, Delete*, Public Notice, GN Docket No. 25-133, DA 25-219 (rel. March 12, 2025).
[2] www.gwtca.org.
[3] Indeed, it is not unusual for Commission personnel to ask below-signed counsel for background on "old" rules that remain, and ask for copies of old Part 90 cases that were issued, but never formally published.
[4] *See*, Amendment of Part 90 Concerning the Commission's Finder's Preference Rules, *Report and Order*, 13 FCC Rcd 23816; *Jersey Central Power & Light*, Case No. 97F001, FCC 00-298, released August 17, 2000.

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**Section 90.303(b)** – Table of available 470-512 MHz ("T-Band") frequency bands available for assignment in specific urban areas.

T-Band frequencies were made available by the Commission in certain urban areas in the 1970s.[5] As noted in footnotes 2 and 3 in Section 90.303(b), T-Band frequencies are not available in Cleveland, Ohio and Detroit, Michigan "until further order from the Commission." Specifically, the FCC needed to reach agreement with Canadian authorities in order for U.S. licensees to utilize this spectrum in these two cities. However, the FCC never reached agreement, and there is no effort to do so at this time. In fact, the Commission subsequently made 421-430 MHz spectrum available in Detroit, Cleveland, and Buffalo as an alternative.[6]

More than 50 years after creation of the rule that tentatively made T-Band frequencies available in Detroit and Cleveland, this part of the table in Section 90.303(b) can be eliminated.

Section 90.629(e) – Specialized Mobile Radio ("SMR") System Extended Implementation Rules.

As noted in the Rule Section, SMR systems are no longer eligible for extended implementation periods. The systems that received such authorization prior to March 18, 1996 passed their construction deadlines decades ago. Thus, this Rule Section (after the first sentence) can be eliminated.

**Section 90.127(b)(2)** – This Rule Section requires applicants to limit their requests for mobile transmitters and paging receivers to units which will be in use within eight months of the authorization date.

This Rule Section was tied to the construction deadlines for many Part 90 systems. However, construction periods throughout Part 90 have now been synchronized at one year.[7] Thus, Section 90.127(b)(2) should be harmonized with Section 90.155(a) and specify one year for designation of number of units.

**Subsection T of Part 90**, which governs the use of the 220-222 MHz band, has numerous rules which apply to so-called "Phase I" systems. These systems passed their construction deadlines decades ago, and Phase I authorizations are no longer available for new applicants, but construction requirements remain in multiple Rule Sections, including Sections 90.709, 90.713, 90.725, 90.727, 90.743, and 90.757.[8] The Commission can eliminate these references without harm to any existing or future licensee.

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[5] *See*, Spectrum Space for Land Mobile Services, *First Report and Order*, 19 R.R.2d 1585, 23 FCC 2d 325 (1970).
[6] *See*, 47 C.F.R. §90.273.
[7] *See*, *for example*, Sections 90.155(a).
[8] Section 90.711(a)(2)'s reference to the filing of applications in Gettysburg, Pennsylvania should also be eliminated.

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GWTCA looks forward to the Commission undertaking a review of these no longer necessary rule sections, along with the elimination of the burdensome rules discussed in the NWCC Comments.

Sincerely,

Alan S. Tilles, Esquire
Counsel
Government Wireless Technology
& Communications Association